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PTO/SB/21 (01-03)

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| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/804,973 | |
| | Filing Date | March 19, 2004 | |
| | First Named Inventor | KENNEDY | |
| | Art Unit | 3764 | |
| | Examiner Name | | |
| Total Number of Pages in This Submission | 5 | Attorney Docket Number | 6865-18-2 |

| ENCLOSURES (Check all that apply) | | |
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| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to Group |
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| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|--|
| Firm or Individual | AKERMAN SENTERFITT Mark D. Passler, Registration No. 40,764 |
| Signature | |
| Date | 7-29-04 |

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of KENNEDY et al.

Application No. 10/804,973

Examiner:

Filed: March 19, 2004

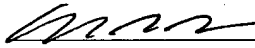
Group Art Unit: 3764

For: MESSAGE DEVICE

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Reg. No. 40,764
Mark D. Passler

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the Duty to Disclose under 37 C.F.R. §1.56, the references cited on the accompanying forms PTO/SB/08A are hereby brought to the attention of the Examiner for independent evaluation. This application is a Continuation-In-Part of application No. 10/635,630, filed August 6, 2003. The parent application is relied on for an earlier filing date under 35 U.S.C. §120. The documents cited on the accompanying forms PTO/SB/08A were filed in Information Disclosure Statements filed in the parent application which complied with 37 CFR §1.98. Copies of the references are therefore not believed necessary.

The submission of the listed documents is not intended as an admission that any such documents constitute prior art against the claims of the present application. Applicants do not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

Applicants respectfully request that the listed documents be considered by the Examiner and made of record in the present application and that an initialed copy of forms PTO/SB/08A be returned in accordance with MPEP §609.

Certification

This Statement is being filed prior to the issuance of the first Office Action on the merits for the present application, and this paper is thus submitted in accordance with 37 CFR §1.97(b). In view of this certification, a fee is not required for consideration of these documents. Nevertheless, should a fee be deemed to be due by the Commissioner, such fee should be charged to Deposit Account No. 50-0951.

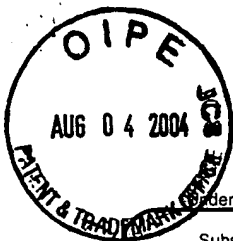
Respectfully submitted,

Dated: 7-29-04



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Docket No. 6865-18-2



PTO/SB/08A (08-03)

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STATEMENT BY APPLICANT**

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| Application Number | 10/804,973 |
| Filing Date | March 19, 2004 |
| First Named Inventor | KENNEDY |
| Art Unit | 3764 |
| Examiner Name | |
| Attorney Docket Number | 6865-18-2 |

Sheet 1 of 2

U. S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|--------------------|-----------------------|--|--------------------------------|--|---|
| | | Number-Kind Code ² (if known) | | | |
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| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear | T ⁶ |
|--------------------|-----------------------|---|--------------------------------|--|---|----------------|
| | | Country Code ³ -Number ⁴ -Kind Code ⁵ (if known) | | | | |
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| Attorney Docket Number | 6865-18-2 |

Sheet **2** of **2****U. S. PATENT DOCUMENTS**

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